

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Part 74 of the)
Commission's Rules Regarding FM) MB Docket No. 18-119
Translator Interference)

Comments
on Behalf of
COHEN, DIPPELL AND EVERIST, P.C.

The following comments are submitted on behalf of Cohen, Dippell and Everist, P.C. ("CDE") and is in response to the NPRM released by the Commission on May 10, 2018. CDE and its predecessors have practiced before the Federal Communications Commission ("FCC") for over 75 years in broadcast and telecommunications matters. The firm or its predecessors have been located in Washington, DC since 1937 and perform professional consulting engineering services to the communications industry.

The undersigned is licensed as a Professional Engineer in the District of Columbia and has been in continuous employment with this firm or its predecessors for over fifty (50) years.

This inquiry seeks comment on the proposal to streamline the rules relating to interference caused by FM translators and expedite the translator complaint resolution process. Specifically, comments are sought on the following:

- (1) ***Allowing FM translators to resolve interference issues by changing channels to any available frequency using a minor modification application;***

CDE supports the proposal to allow pending authorized or licensed commercial FM translators to resolve bonafide interference issues recognized by the FCC to change to any available channel. The same privilege and procedures is recommended to be

extended to non-commercial educational translators within the educational band.

(2) ***Requiring a minimum number of listener complaints to be submitted with any FM translator interference claim;***

The issue of requiring a minimum number of listener complaints to support the issue of interference by FM translators is difficult to generalize. However, at the minimum, two bonafide listener complaints¹ should be forthcoming in any issue regarding interference.

However, the Commission should make with any tech box filing a requirement that the channel which application is being made must have performed radio observations with a good receiver throughout the anticipated service area and certify that the channel is free and clear of any anticipated listenable signal on that channel. That step should assist to identify FM channels that are possibly unavailable although meets FCC allocation criteria and commercial software analysis.

Further, the Commission should permit opposition to be filed at the time of the tech box filing where it is established fact that the applicant does not have permission to be on the tower or tower site. Abstracted in part from the FCC Form 349 instructions and is as follows:

Site Certification. Applicants filing this FCC form 349 also are not required to certify that the site specified in FCC Form 349 is available for its intended use. See Auctions Order, 13 FCC Rcd at 15988.

Nevertheless, the Commission's substantive site availability requirements are unchanged. All applicants for broadcast facilities must have a reasonable assurance that the specified site will be available at the time they file FCC Form 349. (Italics supplied)

¹With tight requirements see response in 3

This will assist the Commission in receiving applications that have performed a minimum of due diligence of tower and channel availability beside performing a computerized allocation study.

(3) ***Standardizing the information that must be included within such a listener complaint;***

Standardizing listener complaint is absolutely necessary. The listener must be a regular listener, not associated with the station in any way (business or family relationship) provide an estimate of weekly length of listening to the station identified by call letter, location, address, if mobile route normally taken – all under an affidavit.

(4) ***Streamlining and expediting interference complaint resolution procedures;***

The request for additional information suggested in 2 and 3 above will help expedite the complaint procedure.

(5) ***Establishing an outer contour limit for the affected station beyond which listener complaints would not be considered actionable; and***

The establishing an outer contour is not recommended. There are too many variables that will either diminish or vary the signal integrity. For example, the outer contour notwithstanding the value of the listening usability will be modified winter to summer by normal propagation characteristics and vegetation. Some areas of the United States have shorter or longer growing seasons. It is in the public interest to not adopt the contour concept from determining candidate complaints.

(6) ***Modifying the scope of interference complaints permitted to be filed by affected stations at the application stage.***

It is this firm's opinion that permitting potential interference complaints at the application stage should be permitted. Permitting bonafide and well documented

interference complaints, together with opposition, where it is established that the applicant has not performed adequate receiver listening observations or in other respects, does not comply with the FCC requirements, such as, does not have site certification or reasonable site assurance would be a valuable tool for the FCC to proceed.

Respectfully Submitted,



Donald G. Everist

Date: August 6, 2018